

**Delaware Riverkeeper Network ~ Better Path Coalition
Bucks County Concerned Citizens Against the Pipelines
Sourland Conservancy ~ NJ Sierra Club
Upper Uwchlan Residents for Safety ~ 350 Bucks County
Schuylkill Pipeline Awareness ~ Stop The PennEast Pipeline
Williams Township CCAP ~ Aquashicola/Pohopoco Watershed Conservancy
Bucks County Audubon Society ~ Lenape Nation of PA
Physicians for Social Responsibility Pennsylvania
Lebanon Pipeline Awareness ~ Save Carbon County ~ Lancaster Against Pipelines
Protect Northern PA ~ Bucks Environmental Action ~ Camp White Pine
Sisters of St. Francis of Philadelphia ~ Sanderson Architectural
Partnership for Sustainability ~ Transition Town Media
Stauffer Electric ~ Sere Water Land Art ~ Neighbors Against the Gas Plants
Explore Delaware River Region ~ Tyborne Hill Publishers, LLC
Holland Township NJ Citizens Against the Pipeline ~ Indivisible Lambertville/New Hope
Hopewell Township Citizens Against the PennEast Pipeline
Bethlehem Township Environmental Commission ~ M&E Engineers
MoveOn.org Hoboken ~ Earthkeeper Health Resources
Extinction Rebellion Delaware ~ DAMASCUS Citizens for Sustainability**

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Cc: coconnolly@pa.gov
VIA EMAIL

January 6, 2021

RE: PennEast Pipeline Company, LLC, PennEast Pipeline Project—Phase 1, Permit No. E40-780, E13-185, E48-435, ESG02000160001, various municipalities, Luzerne, Carbon, Monroe, and Northampton Counties.

Governor Wolf, DEP Secretary McDonnell, and Attorney General Shapiro,

Since 2014, when the PennEast pipeline was first proposed, the public and experts have submitted mountains of evidence proving the following:

- the devastating impacts that the PennEast pipeline would have on our waterways, environments and communities,
- PennEast cannot and will not meet the requirements of Pennsylvania laws or regulations, and
- the information PennEast has submitted to Pennsylvania and other regulatory agencies is false, misleading, deficient and legally unfit to support any positive regulatory outcome.

As a result, there is nothing more for the Pennsylvania Department of Environmental Protection (PADEP) to hear or learn. Holding another public hearing so the agency can check another procedural box is just another diversion that will inflict stress, harm and pressure on communities who are already under siege and overwhelmed by the pandemic, the current economic downturn, and the ongoing threat of the ever-changing and clearly unjustifiable PennEast pipeline.

Governor Wolf, it's time for you to prove that you care more about the people of Pennsylvania than the profits of the PennEast pipeline companies.

It's time, Governor Wolf and Secretary McDonnell, to honor your constitutional duty to protect the rights of the people of Pennsylvania to pure water, clean air, and healthy environments and to fulfill your duty to act as trustee of the natural resources of the state for both present and future generations.

It's time for PADEP to fulfill its legal obligation to enforce the laws, and protect the people and environments of Pennsylvania by denying Chapter 102 and 105 permits and revoke the prematurely granted 401 Certification for the unnecessary, ever-changing and still unknown, PennEast pipeline.

PADEP Has All the Evidence It Needs to Say "No" to the PennEast Pipeline & Deny it Any & All Permits, Including Revoking the Clean Water Act 401 Certification it Prematurely Issued:

Since the PennEast Pipeline launched its pre-filing process with the Federal Energy Regulatory Commission in October of 2014 under Docket No. PF15-1-000, PADEP has had full access to all of the expert, agency and public comments highlighting, documenting, demonstrating and proving all the ways that construction of any version of the proposed project would inflict irreparable harm on our communities and environment. DEP has also seen evidence of the myriad of ways that PennEast has sought to hide, misrepresent, or falsify information regarding its proposed project -- including each of the evolving iterations it has put forth -- and the harms each version of the project will inflict on people, property and the environment.

As of this writing, the FERC docket alone contains 13,616 comments, the majority of which have been submitted to express opposition to the project and provide evidence of the irreparable harms that will be inflicted on Pennsylvania and New Jersey as well as on the world by worsening the devastating impacts of the climate crisis.

In addition, PADEP has had full access to all of the public and expert comments submitted to the Delaware River Basin Commission (DRBC) and PADEP since PennEast filed applications with DRBC in February 2016 and with PADEP for 401 Certification and Chapter 102 and 105 permits in February 2016. Here too, the overwhelming volume of comments from the experts and public have highlighted, documented, demonstrated and proved all the ways that construction of any of the versions of the proposed PennEast Pipeline put forth by the company would inflict irreparable harm on the communities, waterways and natural resources of Pennsylvania; and demonstrated the myriad of ways that PennEast has sought to hide, misrepresent, and falsify information regarding proposed project impacts.

In spite of all the evidence of harm to our communities and environment, and all of the deficient, false, misleading and missing information in PennEast's application materials, PADEP wrongly and prematurely issued Clean Water Act 401 certification on February 13, 2017. In addition, as a DRBC Commissioner, Governor Wolf has supported the DRBC staff continuing to entertain a docket application filled with misinformation for a project that is constantly being morphed, modified and changed rather than follow the lead of New Jersey and close the application file until PennEast is willing and able to settle on a single route and provide full and accurate information. DEP has also allowed PennEast to continue to waste the agency's and the public's time on a permitting process for a project that is not final; is being proposed using false, misleading and deficient information; and that cannot and will not meet the requirements of Pennsylvania law.

With a body of evidence as massive and substantive as that already collected on the public record by FERC, DRBC and PADEP itself, there is nothing any testifier can do other than reiterate what has already been said. As such, it is not a good use of your time or the taxpayers' dollars to go through the exercise of a hearing when the only conclusion you can draw from an honest review of the public record is that you must deny the permits and you must revoke the Clean Water Act 401 Certification prematurely granted on an earlier version of the PennEast proposal.

PADEP should fulfill its legal obligation to the people of Pennsylvania and deny 102 and 105 permits for the PennEast Pipeline, and revoke the previously granted 401 Certification, RIGHT NOW, TODAY!

The fact that you have not denied the permit and instead are holding this hearing during the pandemic, so shortly after the holidays, and providing so little time for people to be heard makes it appear as though DEP is just checking a procedural box, which would be a sad testament to our Governor's commitment to protecting Pennsylvania's natural resources, residents, and future generations.

- Your announcement comes on the first full day of Hanukkah, the first of the major holidays Pennsylvanians will be attempting to observe during the dual crises of a pandemic and economic meltdown.
- The hearing is scheduled for January 13, the same week that many university students are preparing to return to campus or attend classes virtually.
- At the same time you are expecting people to review reams of the false information provided by PennEast in order to prepare a fresh set of comments, you are announcing in advance that you are planning to cut people out of the process if too many turn up to testify, and you are limiting people to just 3 minutes to speak about a project that will destroy people's lives and inflict irreversible harms on all aspects of our environment, put the health and safety of people at serious risk from pollution and

explosion, seriously depress property values, take property rights, and sacrifice future generations to an irreversible climate crisis.

Scheduling a hearing in January fails to recognize the stress that people are under. Your cavalier disregard of the lives and rights at stake is also sadly characteristic of the Wolf administration when it comes to pipelines, fracking and the environment.

You pursued a very similar rushed process -- putting pipelines over people and the environment -- with the Sunoco Mariner East pipeline. We have all seen, and are still experiencing, the devastating consequences of those choices -- for the environment, for the people, for property rights, and for the rule of law. More is still to be learned from ongoing law enforcement investigations into the Mariner East process, approval and pipeline. Will the same need for investigation, national exposure and embarrassment be true for PennEast?

While clearly the right outcome is immediate denial of the Chapter 102 and 105 permits and revocation of the premature 401 Certification, *if you are unwilling to defend the rights and safety of people over pipelines*, we call on you to at least show some respect and sensitivity, and revamp the proposed hearing process including, at a minimum:

- reschedule the virtual hearing for no sooner than March;
- when health officials say it will be safe, and using appropriate safety protocols, schedule separate in-person hearings in each of the affected counties for all who are interested in speaking directly with agency officials;
- given the gravity of the threat, harm and implications of the decision that is to be made, allow a more appropriate length of time for people to speak, at least 5 to 7 minutes; and
- commit to holding the hearings open for as long as is necessary for all who wish to deliver their testimony to be able to do so (not simply cutting it off at a predetermined time regardless of how many have yet to be heard).

We also urge you to hold public meetings prior to the public hearings so that residents and groups can ask and receive answers to their questions about the project.

Please respond to these requests so we all can know where you stand.

Respectfully,

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